

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL J. WHALON)

Plaintiff,)

v.)

CHRISTY'S OF CAPE COD LLC)

Defendant.)

CIVIL ACTION

NO. 04-11939-JGD

SCHEDULING ORDER

Following the initial scheduling conference held on February 28, 2005 in accordance with Federal Rule of Civil Procedure 16(b) and Local Rule 16.1, it is hereby ORDERED as follows:

1. The court adopts the schedule set out in the Joint Statement (Docket # 10) modified as follows:

- a. All fact discovery shall be completed by September 9, 2005;
- b. Plaintiff's trial expert witnesses, if any, are to be disclosed and reports and disclosures required by Fed.R.Civ.P. 26(b) are to be furnished to Defendant's counsel by September 30, 2005;
- c. Defendant's trial expert witnesses, if any, are to be disclosed and reports and disclosures required by Fed.R.Civ.P. 26(b) are to be furnished to Plaintiff's counsel by October 21, 2005.

2. The next status conference is scheduled for July 21, 2005 at 2:30 p.m. in Courtroom #15 on the 5th floor. At that time, the parties shall be prepared to discuss:

- a. the status of the case;

- b. scheduling for the remainder of the case through trial; and
- c. use of alternative dispute resolution programs.

3. The parties shall submit a brief joint statement no later than five (5) business days before the conference addressing the issues itemized in paragraph 2 above. With respect to the use of ADR the parties shall indicate whether an agreement has been reached, but are not obligated to identify their respective positions.

DATED: February 28, 2005

/s/Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge